

**LOUISIANA SEED LAW
(R.S. 3:1431-1449)**

&

RULES AND REGULATIONS

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§1431. Terms defined

As used in this Chapter, the following terms have the meanings given:

- (1) "Advertisement" means all representations, other than those on the label, disseminated in any manner or by any means, relating to seed within the scope of this Chapter.
- (2) "Agricultural seed" means any lawn, flower, oil, grass, forage, cereal, fiber, or other kinds of crop seed sold, offered for sale, or used in Louisiana for agricultural purposes, and any combinations of such seeds.
- (3) "Certified seeds", "registered seeds", and "foundation seeds" are seeds which have been inspected and sampled during their period of growth and preparation for market by the commissioner, or by the inspection official of the state in which the seeds were grown, and which have been found to conform to the regulations issued by the commission under this Chapter.
- (4) "Commission" means the Seed Commission.
- (5) "Commissioner" means the commissioner of agriculture and forestry.
- (6) "Crop" means any cultivated plants that produce agricultural produce such as grains, seeds, fruits, vegetables, or flowers.
- (7) "Dormant" means viable seed, excluding hard seed which fails to germinate when provided the specified germination conditions for the kind of seed in question.
- (8) "Farm" means a piece or tract of land on which an agricultural, vegetable, or flower crop is grown or allowed to grow.
- (9) "Flower seeds" are seeds of all plants grown for ornamental purposes for domestic or commercial use.
- (10) "Germination" is the percentage of seeds capable of producing normal seedlings under ordinarily favorable conditions. Broken, weak, malformed, and obviously abnormal seedlings are not considered as having germinated.
- (11) "Hard seeds" are the percentage of seeds which because of hardness or impermeability, do not absorb moisture or germinate under prescribed tests but remain hard during the period prescribed for germination of the kind of seed concerned.
- (12) "Hybrid" is one or more crosses of inbreed of the same kind of seed, for example, hybrid corn.
- (13) "Inert matter" is all matter not seeds including pieces of broken and damaged seeds one-half or less than the original size, sterile florets, fungus bodies, stones, and all matter considered as inert by the Association of Official Seed Analysts Rules for Testing Seeds.
- (14) "Kind" is one or more related species, which singly or collectively is known by one common name, for example, corn, beans, and lespedeza.
- (15) "Labeling" includes all labels and other written, printed, or graphic representations accompanying and pertaining to any seed, whether in bulk or containers. Labeling includes

invoices and other bills of shipment when sold in bulk. The labels shall be uniform in accordance with the standards adopted by the Association of Southern Seed Control Officials.

- (16) "Lot of seed" is a definite quantity of seeds identified by a lot number or mark, every portion or bag of which is uniform, within permitted tolerances, relative to the factors, which appear in the labeling.
- (17) "Mixed seeds" are seeds of more than one kind or variety when each kind or variety is present in excess of five percent of the whole.
- (18) "Noxious weeds" are weeds, which are highly destructive and difficult to control by good cultural practices and the use of herbicides.
- (19) "Origin" means place, state, or foreign country where grown.
- (20) "Other crop seeds" are the seeds of all kinds or varieties not of the kind or variety declared on the label.
- (21) "Person" means any individual, firm, corporation, association, or partnership.
- (22) "Prohibited noxious weed seeds," means any weed seeds which are prohibited from being present in agricultural, vegetable, flower, tree, or shrub seed.
- (23) "Pure seeds" are all seeds of the kind and variety under consideration, whether shriveled, cracked, or otherwise injured, and pieces of seeds larger than one-half the original size.
- (24) "Retail seedsman" means any person who sells seed at retail directly to the consumer either in quantities of not less than one pound or any quantity including closed containers of less than one pound.
- (25) "Seed" is a propagative part of a plant capable of producing a new plant, including but not limited to those parts commonly referred to as seeds, bulbs, roots, tubers, and other propagating stock.
- (26) "Stop-sale" is any written or printed notice given by the commissioner of the Louisiana Department of Agriculture and Forestry or his authorized agents, to the person with a lot of seed, directing the person not to sell or offer for sale the seed until the requirements of this Chapter and regulations promulgated hereunder have been complied with and a written release is issued. Such seeds may be released for sale as feed.
- (27) "Treated" means that the seed has received an application of a substance or that it has been subjected to a process for which a claim is made.
- (28) "Variety" is a subdivision of a kind characterized by growth, plant, fruit, seed, or other characteristic by which it can be differentiated from other seeds of the same kind.
- (29) "Vegetable seeds" are seeds of vegetable crops grown in gardens or on truck farms.
- (30) "Weed seeds" are seeds of all plants that are considered to be undesirable or troublesome in an area where the plant is not wanted.

§1432. Seed Commission; creation; members; employment of necessary personnel

- A. The Seed Commission is created and shall be composed of the following five members: Commissioner of Agriculture and Forestry, Vice Chancellor and Director of Louisiana Cooperative Extension Service, Director of Louisiana State University Agricultural Experiment Station, President of Louisiana Seedsmen=s Association, and President of Louisiana Farm Bureau Federation or their designees. Each designee shall have the same rights as the member by whom he or she was designated, including voting rights. The commission shall elect a chairman from among its members.
- B. The commission shall employ a director and assistant director who shall be appointed by the commission, subject to the approval of the commissioner. The director and assistant director shall be in the unclassified service. The commissioner of agriculture is hereby vested with the authority to employ all other personnel necessary to carry into effect the provisions of this Chapter and such rules, regulations, and ordinances as may be adopted by the commission. All employees of the commission shall be under the direction and supervision of the commissioner.

§1433. Powers and duties of seed commission

- A. The commission shall:
 - (1) Make rules and regulations governing the methods of sampling, inspecting, and making analysis tests and examinations of all seed and other propagating stock; establish the standards and tolerances to be allowed in the administration of this chapter; make rules and regulations governing the conditions for growing, harvesting, processing, preparing for market, labeling, distributing, and marketing seed and propagating stock as certified, registered, or foundation; set forth in its rules the minimum requirements of varietal purity and mechanical standards as a condition to sell or distribute as certified, registered, or foundation seed or other propagating stock; make rules and regulations establishing a reasonable schedule of charges to persons for each sample of seed tested by the Louisiana Seed Testing Laboratory, establishing a reasonable fee schedule to be charged for making application for inspection and field inspection for certification of seed, and establishing a reasonable fee schedule to be charged for printing certified tags, provided there shall be no charge for the testing of official samples submitted by duly authorized agricultural inspectors for law enforcement purposes; and make all rules and regulations pertaining to the enforcement of this chapter.
 - (2) Limit the sale and distribution of seed for the production of agricultural, vegetable, or flower crops to certified seed or planting stock when the commission determines that the limitation will best serve the crop industry.
 - (3) In making rules and regulations, give consideration to the following with respect to each kind of seed or other propagating stock regulated by this Chapter:
 - (a) The minimum requirements of varietal purity and mechanical standards.
 - (b) The kind, quality and estimated amounts to be available for sale in Louisiana during the next succeeding crop season.

- (c) The demand in Louisiana.
- (d) The agricultural practices for production in Louisiana as compared with the practice in other states.
- (e) The accepted cultural and trade practices prevailing in other states with respect to offering and displaying for sale, labeling, sampling, and making analyses.
- (f) The general welfare of growers in Louisiana.
- (g) Hold hearings on alleged violations of the provisions of this Chapter or of the rules and regulations adopted pursuant to this Chapter.
- (h) Advise the commissioner on the civil penalties to be imposed or the injunctive or other civil relief to be sought to punish and restrain violations of the provisions of this Chapter or of the rules and regulations adopted pursuant to this Chapter.
- (i) Perform such other advisory functions as the commissioner may assign to the commission.
- (j) Declare plants to be weeds or noxious weeds in all or part of the state and to prohibit, restrict, or regulate the sale, distribution, movement, and use of weed seeds or noxious weed seeds by regulations adopted pursuant to this Chapter.

§1434. Powers and duties of the commissioner of agriculture

The commissioner shall:

- (1) Enforce this chapter and all rules and regulations made and adopted by the commission.
- (2) Sample, inspect, test, and make analyses of agricultural, vegetable, and flower seeds transported, offered for sale, sold or distributed in Louisiana for planting purposes; determine whether the seeds are in compliance with this chapter and the rules and regulations made under this chapter, and notify promptly the person who transported, distributed, sold, or offered for sale the seed of any violation.
- (3) Carry out and enforce the rules and regulations made pertaining to certified, registered, or foundation seeds or planting stock and to the limiting of planting of a crop to certified seed, when such is prescribed.
- (4) Require reports necessary to administer this chapter and rules and regulations made under this chapter.
- (5) Collect, administer, and disburse the proceeds of the assessment, fees, interest, penalties, and other monies collected pursuant to this Chapter.

§1435. Authority of the commissioner

The commissioner may:

- (1) Employ agents necessary to enforce this chapter and the rules and regulations made under this chapter.
- (2) In order to have access to seed subject to this chapter, enter, during regular business hours, any public or private premises where agricultural, vegetable, or flower seeds or other propagating stock is sold, offered for sale, or distributed.
- (3) Issue and enforce a stop-sale notice to the person with a lot of seed or other propagating stock which the commissioner finds, or has good reason to believe, is in violation of this chapter or the rules and regulations made under this chapter.
- (4) Establish and maintain a seed laboratory; employ a State Seed Analyst, other analysts, and other personnel whose work he shall direct and supervise; and incur such other expenses necessary to comply with this chapter.
- (5) Make purity and germination tests of seed for persons on request. The analyses shown by this test shall be for the information of the person requesting the test only and shall not be made the basis of the guaranteed analysis of the seeds required by R.S. 3:1436.
- (6) Enter, either directly or through a duly authorized agent, the premises of any person producing, processing, distributing, or selling seeds and examine that person's books, accounts, and records, and obtain any other information necessary, for purposes of enforcing the provisions of this Chapter and the regulations adopted pursuant to this Chapter.
- (7) Seek and obtain injunctive or other civil relief to restrain and prevent violations of this Chapter, or rules and regulations adopted pursuant to this Chapter, or orders and rulings issued by the commissioner pursuant to this Chapter.
- (8) Institute civil proceedings to enforce his orders or rulings, collect any assessments, late fees, fines, penalties, or costs due under this Chapter or to otherwise enforce the provisions of this Chapter or rules and regulations adopted pursuant to this Chapter.

§1436. Labeling of seeds

Each container of agricultural, vegetable, or flower seeds, or other propagating stock, which is sold or offered for sale in Louisiana for planting purposes shall bear thereon or have attached thereto in a conspicuous place a label plainly written or printed in the English language. The label shall give the following information:

- (1) For all agricultural, vegetable, and flower seeds treated as defined in this Chapter for which a separate label may be used:
 - (a) A word or statement indicating that the seed has been treated.

- (b) The commonly accepted coined, chemical or abbreviated chemical or generic name of the applied substance or description of the process used.
- (c) If the substance in the amount present with the seed is harmful to human or other vertebrate animals, a caution statement such as "Do not use for food, feed, or oil purposes". The caution for mercurials and similarly toxic substances shall be a poison statement or symbol.
- (d) If the seed is treated with an inoculant, the date beyond which the inoculant is not to be considered effective (date of expiration).

(2) On agricultural seeds:

- (a) Except as otherwise provided herein, the commonly accepted name of the kind and variety of each agricultural seed component in excess of five percent of the whole, and the percentage of weight of each in the order of its predominance. The provisions of this Subparagraph shall not prohibit the sale of wheat and oat seeds which are labeled "variety not stated" and which meet the other requirements of this Chapter. The commission may adopt rules and regulations governing the sale and labeling of variety not stated wheat and oat seeds. Hybrids shall be labeled as hybrids.
- (b) The number or other lot identification.
- (c) The origin of the seed. If the place origin is not known, that fact shall be stated.
- (d) The percentage by weight of all weed seeds.
- (e) The name and number per pound of each kind of noxious weed seed.
- (f) The percentage by weight of crop seeds other than those required to be on the label.
- (g) The percentage by weight of inert matter.
- (h) For each named agricultural seed: the percentage of germination, exclusive of hard seed; the percentage of hard seed when present; and the calendar month and year the test was completed to determine such percentages.
- (i) Name and address of the person who labeled said seed or who sells, offers, or exposes said seed for sale within this state.

(3) On vegetable seeds in containers of more than one pound:

- (a) The name of the kind and variety of the seed.
- (b) The number or other lot identification.
- (c) The percentage of germination.
- (d) The calendar month and year the test to determine the percentages was completed.

- (e) Name and address of the person who labeled said seed or who sells, offers, or exposes said seed for sale within this state.
 - (f) For seeds which germinate less than the standards established by the commission, the words "Below Standard" printed or written in ink, in not less than eight-point type, on the face of the label in addition to all other information required.
- (4) On vegetable seeds in containers of one pound or less which germinate equal to or above the standards established by the commission under the provisions of R.S. 3:1433(3)(a):
- (a) The name of each kind and variety of seed, and if there are two or more kinds or varieties present, the percentage of each, and further, that in the case of any such component which is a hybrid seed, it shall be designated as hybrid on the label.
 - (b) The lot number or other lot identification.
 - (c) The name and address of the person who transports, delivers for transportation, sells, offers for sale, or exposes for sale the seed in this state.
 - (d) The calendar month and year of the germination test.
- (5) On vegetable seeds in containers of one pound or less which germinate less than the standards established by the commission under the provisions of R.S. 3:1433(3)(a):
- (a) The name of each kind and variety of seed, and if two or more kinds or varieties are present, the percentage of each, and further, that in the case of any such component which is a hybrid seed, it shall be designated as hybrid on the label.
 - (b) For each named kind and variety of seed, the percentage of germination.
 - (c) The word "Substandard" in not less than eight-point type.
 - (d) The lot number or other lot identification.
 - (e) The calendar month and year the germination tests were completed.
 - (f) The name and address of the person who transports, delivers for transportation, sells, offers for sale, or exposes for sale the seed in this state.
- (6) On every separate package of flower seeds and other propagating stock:
- (a) The name of the kind and variety of the seeds.
 - (b) The lot number or other lot identification.
 - (c) The year for which the seeds were packed for sale.

- (d) The name and address of the person who labels, distributes, offers for sale, exposes for sale, or sells the seed in this state.
- (7) On combination mulch, seed, and fertilizer products:
- (a) The word "combination" followed by the words "mulch-seed- fertilizer" must appear on the upper thirty percent of the principal display panel. The word "combination" must be the largest and most conspicuous type on the container, equal to or larger than the product name. The words "mulch-seed-fertilizer" shall be no smaller than one-half the size of the word "combination" and in close proximity to the word "combination". These products shall contain a minimum of seventy percent mulch.
 - (b) Analysis label - Agricultural, lawn, and turf seeds placed in a germination medium, mat, tape, or other device or mixed with mulch shall be labeled as follows:
 - (i) Product name.
 - (ii) Lot number.
 - (iii) Percentage by weight of pure seed of each kind and variety named which may be less than five percent of the whole.
 - (iv) Percentage by weight of other crop seeds.
 - (v) Percentage by weight of inert matter which shall not be less than seventy percent.
 - (vi) Percentage by weight of weed seeds.
 - (vii) Name and number of noxious weed seeds per pound, if present.
 - (viii) Percentage of germination and hard seed of each kind or kind and variety named and date of test.
 - (ix) Name and address of the person who labels the seed.

§1437. Registration of seed dealers

- A. Every person, except persons exempt by R.S. 3:1445, who sells, distributes, or offers or handles for sale agricultural, vegetable, or flower seed or other propagating stock of one pound or more in weight shall register with the commissioner as a seed dealer. Every seed dealer shall register the number and location of each place of business at which the seed is sold, distributed, or offered or handled for sale. The commissioner shall issue to the registered seed dealer a license to engage in the business.
- B. The commissioner shall issue a license on an annual basis with licenses expiring on the first day of July of each year following the issuance date. The commissioner shall establish the fee for the license. The fee shall be established by rule adopted in accordance with the Administrative Procedure Act. The amount of the fee shall not exceed one hundred dollars.

§1438. Suspension or revocation of seed dealer license

Any licensee who violates any of the provisions of this Chapter or the regulations adopted under the provisions of this Chapter shall be subject to having his license suspended, revoked, or placed on probation, in addition to any other penalties authorized by this Chapter.

§1439. Failure of seed dealer to register; effect

The commissioner may issue a stop-sale order against any seed dealer who fails to comply with R.S. 3:1437.

§1440. Stop-sale order

A stop-sale order shall prohibit further sale, exchange, movement, or distribution of seeds included in the notice order until the commissioner is satisfied that this Chapter and rules and regulations of the commission have been complied with and the commissioner has issued a written release to the person with such seed. After a stop-sale order is given, and the person receiving the stop-sale order shall have fifteen days within which to comply and to obtain a written release of the order. This Section shall not prevent the commissioner from proceeding in accordance with other Sections in this Chapter.

§1441. Seizure

When the commissioner issues a stop-sale order to a person with a lot of seed, and such person fails to comply with this Chapter or the regulations of the commission, the commissioner shall seize the lot of seed and shall destroy the lot within thirty days, or shall dispose of it in the manner prescribed by the rules and regulations made by the commission.

§1442. Appeals from Ruling of Commissioner

Any person may appeal to the commission with respect to any ruling or findings made by the commissioner in administering this chapter and rules and regulations prescribed under it. The decision of the majority of the commission is final, subject to appeal to the courts.

§1443. Disclaimer of Nonwarranty Clause of No Effect

The use of a disclaimer or nonwarranty clause in any invoice, advertisement, or label pertaining to seed shall not exempt a person from the prohibitions this chapter.

§1444. Prohibitions

No person shall:

- (1) Sell, offer for sale, transport, or distribute any agricultural, vegetable, or flower seed less the seed has been tested in accordance with the rules and regulations adopted by the seed commission. The commission by rule may require information relative to the test to be affixed to the packaging of the seed.
- (2) Sell, offer for sale, transport, or distribute any agricultural, vegetable, or flower seed which is not labeled in accordance with this chapter or which has false or misleading labels.
- (3) Sell, offer for sale, transport, or distribute any agricultural, vegetable, or flower seed for which there has been false or misleading advertisement.
- (4) Sell, offer for sale, transport, or distribute any agricultural seed containing noxious weeds, subject to tolerances and methods of determination in excess of those prescribed under this chapter.
- (5) Detach, deface, destroy, or use a second time any label provided for in this chapter or the rules and regulations made by the commission.
- (6) Alter or falsify any seeds, seed labels, seed tests, laboratory reports, records, or other documents to create a misleading impression as to kind, kind of variety, history, quality, or origin of seed.
- (7) Disseminate any false or misleading advertisement concerning agricultural, vegetable, or flower seed.
- (8) Obstruct in any way any authorized person in the performance of his duties under this chapter.
- (9) Fail to comply with a "stop-sale" order or to move or otherwise handle or dispose of any lot of seed held under a "stop-sale" order, except with express permission of the commissioner for the purposes specified by him.
- (10) Use relabeling stickers without having both the calendar, month, and year the germination test was completed and the lot number that matches the existing, original lot number.
- (11) Relabel seeds more than one time.

§1445. Exemptions

- A. The provisions of R.S. 3:1436 shall not apply:
 - (1) To common carriers with respect to seed transported in the ordinary course of business as a carrier. R.S. 3:1436 shall apply to carriers engaged in processing or merchandising seed subject to the provisions of this chapter.
 - (2) To seed sold from a duly labeled container and taken therefrom in the presence of the purchaser. In such case the container in which the seed is sold may be unlabeled unless the purchaser requests a label.
- B. The provisions of R.S. 3:1444 shall not apply:
 - (1) To seed not intended for planting purposes.
 - (2) To seed in storage in, consigned to, or being transported to seed cleaning or processing establishments for cleaning and processing only. Any labeling or representations which is made with respect to the unclean seed shall be subject to this chapter.
 - (3) To agricultural seed when grown, sold, and delivered by the producer on his own premises when the growing of crops for reproductive purposes is not the primary farming occupation of the producer. If the seed is advertised for sale through any medium or if the seed is delivered by a common carrier, except for the purpose of recleaning, they shall be labeled in accordance with this chapter.
 - (4) To seed which is incorrectly labeled or represented as to kind, variety, and origin if the seed cannot be identified by examination unless the person responsible for labeling failed to obtain an invoice or grower=s declaration giving kind, variety, and origin.

§1446. Penalty for violation; procedures for imposition of penalties

- A. Whoever violates this Chapter or the rules and regulations made under this Chapter shall be subject to a civil penalty of not more than five hundred dollars for each act of violation and for each day of violation. Each day on which a violation occurs shall be a separate offense.
- B. Penalties may be assessed only by a ruling of the commission based upon an adjudicatory hearing held in accordance with the provisions of the Administrative Procedure Act and this Chapter as follows:
 - (1) The commission shall be convened by the commissioner for the purpose of hearing any alleged violation of this Chapter or any rule and regulation adopted pursuant to this Chapter.

- (2) The commissioner shall appoint a hearing officer to preside over the hearing.
- (3) The commission shall make an initial determination on the matter. This determination shall be submitted to the commissioner in writing.
- (4) The commissioner shall make the final determination on the matter. If the determination of the commissioner differs from the determination of the commission, the commissioner shall issue a written opinion based on the record of the hearing.

§1447. Secretary of State as Agent for Service.

Any person who is not a resident of or domiciled within the state of Louisiana, and who having no duly appointed agents for service of process within the state, engages in the business of distributing, selling, or the Secretary of State as his agent for service of process of any legal document and submits to the jurisdiction of any court within the parish where he engages in that business, as if such person were a citizen of or domiciled within said parish.

§1448. Regulatory fee

The commission may charge a regulatory fee on all seeds sold in Louisiana. The fee shall be established by rule adopted in accordance with the Administrative Procedure Act. The proceeds of the fee shall be used to defray the costs of regulating the seed industry in Louisiana. The fee shall be collected at the first point of sale in Louisiana. The amount of the fee shall be based on the cost of regulating the seed industry and shall not exceed twenty cents per one hundred pounds of seed.

§1449. Disposition of funds; Seed Commission Fund

- A. All assessments, fees, penalties, and other funds received under the provisions of this Chapter shall be disposed of in accordance with the following provisions:
 - (1) All assessments, fees, penalties, and all other funds received under the provisions of this Chapter, subject to the exceptions contained in Article VII, Section 9 of the Constitution of Louisiana, shall be deposited immediately upon receipt into the state treasury and shall be credited to the Bond Security and Redemption Fund.
 - (2) Out of the funds remaining in the Bond Security and Redemption Fund after a sufficient amount is allocated from that fund to pay all obligations secured by the full faith and credit of the state which become due and payable within any fiscal year, the treasurer, prior to placing the remaining funds in the state general fund, shall pay an amount equal to the total amount of funds paid into the state treasury under the provisions of this Chapter into a special fund which is hereby created in the state treasury and designated as the Seed Commission Fund.

- (3) All unexpended and unencumbered monies in the fund at the end of each fiscal year shall remain in the fund. The treasurer shall invest the monies in the fund in the same manner as monies in the state general fund. All interest earned on monies from the fund invested by the state treasurer shall be deposited in the fund.

B. Subject to appropriation, the monies in the fund shall be used for the following purposes:

- (1) To provide for the expenses of the program established by this Chapter, as determined by the commission.
- (2) To fund any and all costs related to the carrying out of the powers and duties granted to the commission and the commissioner of agriculture and forestry under this Chapter.

LOUISIANA ADMINISTRATIVE CODE

TITLE 7

PART XIII. SEEDS

SUBCHAPTER A. RULES AND REGULATIONS

FOR THE ENFORCEMENT OF THE

LOUISIANA SEED LAW

Louisiana Administrative Code (Rules and Regulations)

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Title 7

AGRICULTURE AND ANIMALS

Part XIII. Seeds

Chapter 87. Rules and Regulations Pursuant to the Louisiana Seed Law

Subchapter A. Rules and Regulations for the Enforcement of the Louisiana Seed Law

§101. Definitions

A. The following terms are defined in addition to those in the Act:

Declaration - means a written statement of a grower, shipper, processor, dealer, or importer, given for any lot of seed the kind, variety, type, origin, or the use for which the seed is intended.

Hybrid seed corn - as applied to field corn, sweet corn, or popcorn means the first generation seed of a cross produced by controlling the pollination, and by combining two, three, or four inbred lines, or by combining one inbred or a single cross with an open pollinated variety. Hybrid designations shall be treated as variety names.

Processing - means cleaning, scarifying or blending to obtain uniform quality and other operations which would change the purity or germination of the seed and, therefore require retesting to determine the quality of the seed, but does not include operations such as packaging, labeling, blending together of uniform lots of the same kind or variety without cleaning, any of which would not require retesting to determine the quality of the seed.

Prohibited noxious weed seed - means the seeds of perennial weeds such as not only reproduce seed, but also spread underground roots or stems, and which, when established, are highly destructive and difficult to control in the state by ordinary good cultural practices.

Restricted noxious weed seed - means seeds of such weeds as are very objectionable in fields, lawns or gardens of this state, but can be controlled by good cultural practices.

Seed gathered in elevators - means seed gathered in elevators or other establishments to be sold for planting purposes by farmers or others that are subject to the provisions of the law.

Treated - means given an application of a substance or subjected to a process designed to reduce, control or repel disease organisms, insects or other pests which attack seeds or seedlings growing therefrom.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1431 and R.S. 3:1433

§103. Sampling

The manner of sampling and handling seed in the field and analyzing and testing seed in the laboratory, greenhouse and trial plots shall be the same as that recommended in the latest rules for testing seed adopted by the Association of Official Seed Analysts.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1434 and R.S. 3:1433

§105. Tolerances

A. The same tolerances published in the latest rules and regulations for testing seed by the Association of Official Seed Analysts shall be recognized in the administration of the Louisiana Seed Law.

B. Germination Tolerances

The following tolerances which are recognized by the Federal Seed Act are adopted and are applicable to the percentage of germination and also to the sum of the germination plus the hard seed.

FOUND BY TEST	TOLERANCE
96 or over	5
90 or over but less than 96	6
80 or over but less than 90	7
70 or over but less than 80	8
60 or over but less than 70	9
Less than 60	10

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433

§107. Germination Standards for Vegetable Seed

Germination standards for vegetable seed shall be the same as those published under "United States Department of Agriculture Service and Regulatory Announcements No. 156" and subsequent amendments. Minimum germination of vegetable or garden seed shall be as follows:

	Percent		Percent
Artichoke	60	Eggplant	60
Asparagus (Incl. hard seed)	70	Endive	70
Beans (exc. lima)	75	Fetticus (cornsalad)	70
Beets	65	Kale	75
Broccoli	75	Kohlrabi	75
Brussels sprouts	70	Leek	60
Cabbage	75	Lettuce	80
Cardoon	60	Muskmelon	75
Carrot	55	Mustard	75
Cauliflower	75	Mustard, spinach	75

Celery or celeriac 55

Mustard, vegetable 75

Chicory	65	Okra (including hard seed)	50
Citron	65	Onion	70
Collards	80	Pak-choi	75
Corn	75	Parsley	60
Cress, garden	40	Parsnip	60
Cucumber	80	Peas	80
Dandelion	45	Pepper	55
Pe-tsai or Chinese cabbage	75	Spinach, New Zealand	40
Pumpkin	75	Squash	75
Radish	75	Swiss chard	65
Rhubarb	60	Tomato	65
Rutabaga	75	Tomato, husk	50
Salsify	75	Turnip	80
Sorrel	60	Watermelon	70
Spinach (except New Zealand)	60	Watercress	35

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433

§109 List and Limitations of Noxious Weed Seed

Name Limitations

1. Tropical Soda Apple (*Solanum viarum*)..... Prohibited
2. Field Bindweed (*Convolvulus arvensis*) Prohibited
3. Hedge Bindweed (*Convolvulus sepium*)..... Prohibited
4. Nutgrass (*Cyperus esculentus*, *C. rotundus*)..... Prohibited
5. Itchgrass (*Rottboellia exaltata*, *L. R. cochinchinensis*)..... Prohibited
6. Balloon Vine (*Cardiospermum halicacabum*) Prohibited
7. Cocklebur (*Xanthium* spp.) 5 per lb.
8. Spearhead (*Rhynchospora* spp.) 5 per lb.
9. Purple Moonflower (*Ipomoea turbinata*)..... 9 per lb.
10. Red Rice (*Oryza sativa* var.) 9 per lb.
11. Wild Onion and/or Wild Garlic (*Allium* spp.) 9 per lb.
12. Canada Thistle (*Cirsium arvense*) 100 per lb.
13. Dodder (*Cuscuta* spp.)..... 100 per lb.
14. Johnsongrass (*Sorghum halepense*)..... 100 per lb.
15. Quackgrass (*Agropyron repens*)..... 100 per lb.
16. Russian Knapweed (*Centaurea repens*)..... 100 per lb.
17. Blueweed, Texas (*Helianthus ciliaris*)..... 200 per lb.
18. Grass, Bermuda (*Cynodon dactylon*) 300 per lb.
19. Bracted Plantain (*Plantago aristata*) 300 per lb.
20. Buckhorn Plantain (*Plantago lanceolata*) 300 per lb.
21. Cheat (*Bromus secalinus*)..... 300 per lb.
22. Hairy Chess (*Bromus commutatus*)..... 300 per lb.
23. Corncockle (*Agrostemma githago*) 300 per lb.
24. Darnel (*Lolium temulentum*)..... 300 per lb.
25. Dock (*Rumex* spp.)..... 300 per lb.
26. Horsenettle (*Solanum carolinense*)..... 300 per lb.
27. Purple Nightshade (*Solanum elaeagnifolium*)..... 300 per lb.
28. Sheep Sorrel (*Rumex acetosella*)..... 300 per lb.
29. Morning Glory (*Ipomoea* spp.)..... 18 per lb.

30. Wild Poinsettia (*Euphorbia heterophylla*, *E. dentata*)18 per lb.
31. Wild Mustard and Wild Turnips (*Brassica* spp.)300 per lb.
32. Hemp Sesbania, Coffeebean, Tall Indigo
(*Sesbania exaltata*)300 per lb.
33. Curly Indigo (*Aeschynomene virginica*)300 per lb.
34. Mexican Weed (*Caperonia castaneaefolia*)300 per lb.

Sum of total noxious weed
(Subject to limitations above)500 per lb.

Limitations on noxious and prohibited weeds are listed on individual certified crop seed regulations. Noxious weed seed tolerance of one for regulatory action on certified seed being offered for sale in Louisiana for those noxious weed seed which are prohibited by the Louisiana Certified Seed Regulations for the specific seed kind in question.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1431 and R.S. 3:1433

§111. Tag Requirements

- A. The analysis tag shall be a Number 6 standard shipping tag, minimum size, and shall carry the information required by the Louisiana Seed Law, arranged as follows:

Kind & Variety _____
 Where Grown _____ Net Wt. _____ Lot No. _____
 Pure Seed _____ Percent Germination _____ Percent
 Inert Matter _____ Percent Hard Seed _____ Percent
 Crop Seed _____ Percent Total Germ. & Hard Seed _____ Percent
 Weed Seed _____ Percent Date of Test _____
 Name & No. Of Noxious Weed Seed per lb. _____

 Name _____
 Address _____

- B. Tags for certified seed, foundation seed or registered seed shall be adopted by the certifying agency, approved by the commissioner and meet the requirements of the Louisiana Seed Law.
- C. All information required on the seed analysis tag or label shall be placed on one side of the tag or label without intervening matter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1436 and R.S. 3:1433

§113. License Fee; Laboratory Fees

- A. The annual fee for a Seed Dealer's License shall be \$75.00.

- B. The following laboratory fees shall be applicable to all seed testing conducted by this department:
1. Standard germination test only, purity test only or noxious weed examination only: \$8.00 each (except grasses, mixtures and seed containing high inert: \$16.00 each);
 2. Complete test (purities and germinations): \$14.00 each (except grasses, mixtures and seed containing high inert: \$24.00 each);
 3. Accelerated Aging: \$12.00 each;
 4. Texas Cool Test: \$16.00 each;
 5. Tetrazolium: \$20.00 each; and
 6. Examination of 4 pound rice seed sample for presence of red rice: \$10.00.
 7. Varietal Purity \$12.00
 8. Priority Sample \$25.00

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433

§115. Inspection Fees on Agricultural Seed

In addition to the requirements of the Act, any person who sells, distributes, or offers or handles for sale agricultural seed within this state for planting purposes shall pay an inspection fee thereon in accordance with the following:

- A. All seed dealers shall pay an inspection fee of \$.20 for each 100 pounds of agricultural seed sold, offered for sale, exposed for sale, or otherwise distributed for sale for planting purposes within this state. The inspection fee shall be due on the total pounds of first point of sales distributions in Louisiana by the seller of the seed.

EXCEPTION: The payment of an inspection fee is not required for a person who offers for sale, sells, or distributes Louisiana certified tagged seed upon which inspection fees have already been paid.

- B. Records must be kept by the seed dealer showing the total pounds of each lot identified as to the kind and variety (when applicable). In addition, for auditing purposes, records must be kept by the seed dealer showing the invoice number for each distribution of seed, identified with the name of the kind and variety (when applicable), the lot number, pounds of seed, and number of containers of seed, and the person, to whom the seed was distributed.

- C. Each seed dealer shall file with the department a quarterly report (supplied by the department) covering the following periods: 1st quarter - July, August, and September; 2nd quarter - October, November, December; 3rd quarter - January, February, March; 4th quarter - April, May, June. Reports and fees shall be filed with the department no later than 30 days following the end of each quarter. The department may assess a 10% additional charge for late reports. If a seed dealer has no sales during the quarterly reporting period, the department must be notified accordingly.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433

§117. Standard for Agricultural Seed

- A. No agricultural seed shall be offered for sale if the germination percentage, including hard seed, is below 60 percent, except Dallisgrass. Dallisgrass shall not be offered for sale if the pure live seed percentage (purity times germination) is below 10 percent.
- B. No agricultural and vegetable seed shall be sold, offered for sale or exposed for sale containing in excess of two and one-half percent of total weed seed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1444 and R.S. 3:1433

§119. Invoices and Records

Each person handling agricultural seed subject to this Act shall keep for a period of three years complete records of each lot of agricultural seed handled. When there is evidence of a violation of this Act, invoices, records of purchases and sales, and any other records pertaining to the lot or lots involved shall be accessible for inspection by the commissioner or his authorized agent in connection with the administration of this Act at any time during customary business hours.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1435 and R.S. 3:1433

§121. Labeling of Seed

- A. Information required to be shown on the label:
1. A word or statement in type no smaller than eight points indicating that the seed has been treated.
 2. The commonly accepted coined, chemical (generic) or abbreviated chemical name or a description of any process (other than application of a substance) used in such treatment in type no smaller than eight points.
 3. A caution statement if the substance used in such treatment in the amount remaining with the seed is harmful to humans or other vertebrate animals.

- a. Seed treated with a mercurial or similarly toxic substance, if any amount remains with the seed, shall be labeled to show a statement such as APoison®, APoison treated® or ATreated with Poison®. The word APoison® shall be in type no smaller than eight-points and shall be in red letters on a distinctly contrasting background. In addition, the label shall show a representation of a skull and crossbones at least twice the size of the type used for the name of the substance and the statement indicating that the seed has been treated.
- b. Seed treated with other harmful substances (other than mercurials or similarly toxic substances). If the amount remaining with the seed is harmful to humans or other vertebrate animals it shall be labeled to show caution statement, in type no smaller than eight points, such as ADo not use for food, feed or oil,® except:
 - I. Seed treated with substances other than mercurials or similarly toxic substances and in containers of four ounces or less need not be labeled to show caution statement; and
 - II. The following substances shall not be deemed harmful if present at a rate less than the number of parts per million (ppm) indicated:
Allethrin, 2ppm; Malathion, 8ppm; Methoxychlor, 2ppm; Piperonyl butoxide, 8ppm on oat and sorghum and 20ppm on all other seeds; and Pyrethrins, 1ppm on oat and sorghum and 3ppm on all other seeds.
- B. It shall be unlawful for any person to sell or offer for sale within the state any seed labeled Afoundation seed,® Aregistered seed,® or Acertified seed,® unless it has been produced and labeled in compliance with the rules and regulations of a seed certifying agency approved by the commissioner.
- C. When more than one component is required to be named on the label, the word Amixture® or the word Amixed® shall be shown conspicuously on the label.
- D. The label on hybrid corn shall show the state where grown.
- E. Abbreviation of names; the name and kind of variety of seed shall not be abbreviated, but shall be written out in full.
- F. Trucks and other carriers transporting seed for delivery or sale, or to be sold or delivered to consumers in this state, on the public highways, or at public auctions shall have available for examination at any time a bill of lading, waybill or delivery receipt showing:
 1. The name of the shipper or party from whom purchased;
 2. The name and address of the party to whom the seed is to be delivered;
 3. The kind and amount of each separate lot of seed; and

4. The name of the truck line or owner and driver of the truck or other carrier making delivery or transporting the seed.
- G. No seed shall be sold or offered for sale from any bag or container bearing a germination label dated more than nine months prior to the time such seed is offered for sale. For all vegetable seed packaged in hermetically sealed containers, this period shall be extended to 24 months. The owner shall be responsible for the relabeling after expiration of the germination test date period. Under the provisions of this regulation, any person, firm or corporation possessing a seedsman=s permit shall have the right to label such seed after it has been retested, stating the true germination thereof. A new tag or label shall be used to bring the germination up-to-date. The original tag shall not be changed in any way.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1436, R.S. 3:1444, and R.S. 3:1433